

EXHIBIT 8

ENDORSED
FILED
San Francisco County Superior Court

AUG 3 - 2006

GORDON PARK-LI, Clerk
BY: JUANITA MURPHY
Deputy Clerk

PATRICK R. KITCHIN, ESQ. (SBN 162965)
LAW OFFICES OF PATRICK R. KITCHIN
565 Commercial Street, 4th Floor
San Francisco, CA 94111
Telephone: 415-677-9058
Facsimile: 415-627-9076

Daniel Feder, Esq. (SBN 130867)
LAW OFFICES OF DANIEL L. FEDER
807 Montgomery Street
San Francisco, CA 94133
Telephone: 415-391-9476

Attorneys for Plaintiff: Ann Otsuka

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE CITY AND COUNTY OF SAN FRANCISCO

ANN OTSUKA, et al.)	Case No.: CGC 06 452655
)	
Plaintiff,)	PROOF OF SERVICE OF FIRST
)	AMENDED CLASS ACTION COMPLAINT
vs.)	
)	
POLO RALPH LAUREN CORP., et al.)	
)	
Defendants)	
)	
)	
)	

Proof of Personal Service

Ann Otsuka, et al v. Polo Ralph Lauren Corporation, et al
Superior Court of California
County of San Francisco
Case No. CGC 06-452655

I, William Elkins, declare as follows:

I am an employee or sub-contractor to Investigation Logic, Inc. I am over the age of eighteen years and not a party to the within entitled action. The business address is 565 Commercial Street, Fourth Floor, San Francisco, CA 94111.

Investigation Logic, Inc. is registered in San Francisco County as a process server, and holds valid Registration Number 653.

On 7/28, 2006 at 1:20 pm, I personally served the foregoing document(s) described as:

1. FIRST AMENDED CLASS ACTION COMPLAINT

by personally delivering copies of the documents listed above to:

Polo Ralph Lauren Corporation
CSC Lawyers Incorporating Service
2730 Gateway Oaks Drive
Suite 100
Sacramento, CA 95833

I declare under penalty of perjury under the laws of the State of California that the foregoing statement is true and correct.

Executed on Becky DeGeorge at Sacramento, California.



Will Elkins



CORPORATION SERVICE COMPANY

Notice of Service of Process

 ru# / ALL
 Transmittal Number: 4859151
 Date Processed: 07/28/2006

Primary Contact: Edward Scheuermann
 Polo Ralph Lauren Corporation
 625 Madison Avenue
 Floor 11th
 New York, NY 10022

Entity:	Polo Ralph Lauren Corporation Entity ID Number 0027648
Entity Served:	Polo Ralph Lauren Corporation, doing business in California as Polo Retail Corp
Title of Action:	Ann Otsuka vs. Polo Ralph Lauren Corporation
Document(s) Type:	Amended Complaint
Nature of Action:	Contract
Court:	San Francisco City and County Superior Court, California
Case Number:	CGC-06-452655
Jurisdiction Served:	California
Date Served on CSC:	07/28/2006
Answer or Appearance Due:	None Given
Originally Served On:	CSC
How Served:	Personal Service
Plaintiff's Attorney:	Patrick R. Kitchin 415-877-9058

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
 2711 Centerville Road Wilmington, DE 19806 (888) 690-2882 | sop@csinfo.com

EXHIBIT 9

**ENDORSED
FILED**
San Francisco County Superior Court

AUG 8 - 2008

GORDON PANG-LI, Clerk
BY: JUANITA MURPHY
Deputy Clerk

PATRICK R. KITCHIN, ESQ. (SBN 162965)
LAW OFFICES OF PATRICK R. KITCHIN
565 Commercial Street, 4th Floor
San Francisco, CA 94111
Telephone: 415-677-9058
Facsimile: 415-627-9076

Daniel Feder, Esq. (SBN 130867)
LAW OFFICES OF DANIEL L. FEDER
807 Montgomery Street
San Francisco, CA 94133
Telephone: 415-391-9476

Attorneys for Plaintiff: Ann Otsuka

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE CITY AND COUNTY OF SAN FRANCISCO

ANN OTSUKA, et al.)	Case No.: CGC 06 452655
)	
Plaintiff,)	PROOF OF SERVICE OF FIRST
)	AMENDED CLASS ACTION COMPLAINT
vs.)	
)	
POLO RALPH LAUREN CORP., et al.)	
)	
Defendants)	
)	
)	
)	

Proof of Personal Service

Ann Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.
Superior Court of California
County of San Francisco
Case No. CGC 06-452655

I, William Elkins declare as follows:

I am an employee or sub-contractor to Investigation Logic, Inc. I am over the age of eighteen years and not a party to the within entitled action. The business address is 565 Commercial Street, Fourth Floor, San Francisco, CA 94111.

Investigation Logic, Inc. is registered in San Francisco County as a process server, and holds valid Registration Number 653.

On 7/28, 2006 at 1:20 I personally served the foregoing document(s) described as:

1. FIRST AMENDED CLASS ACTION COMPLAINT

by personally delivering copies of the documents listed above to:

Fashions Outlet of America, Inc.

CSC Lawyers Incorporating Service

2730 Gateway Oaks Drive

Suite 100

Sacramento, CA 95833

I declare under penalty of perjury under the laws of the State of California that the foregoing statement is true and correct.

Executed on Becky DeGeorge at Sacramento, California.



Will Elkins

EXHIBIT 10

Pao

1 PATRICK R. KITCHIN, ESQ. (SBN 162965)
 2 LAW OFFICES OF PATRICK R. KITCHIN
 3 565 Commercial Street, 4th Floor
 San Francisco, CA 94111
 Telephone: 415-677-9058
 Facsimile: 415-627-9076

4 Daniel Feder, Esq. (SBN 130867)
 5 LAW OFFICES OF DANIEL L. FEDER
 6 807 Montgomery Street
 San Francisco, CA 94133
 Telephone: 415-391-9476

7 Attorneys for Plaintiff: Ann Otsuka

ENDORSED
 FILED
 San Francisco County Superior Court
 AUG 8 - 2006
 GORDON PARK-LI, Clerk
 BY: JUANITA MURPHY
 Deputy Clerk

8
 9 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
 10 FOR THE CITY AND COUNTY OF SAN FRANCISCO

12 ANN OTSUKA, et al.) Case No.: CGC 06 452655
)
13 Plaintiff,) PROOF OF SERVICE OF FIRST
) AMENDED CLASS ACTION COMPLAINT
14 vs.)
)
15 POLO RALPH LAUREN CORP., et al.)
)
16 Defendants)
)
)

18
 19
 20
 21
 22
 23
 24
 25

Proof of Personal Service

Ann Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.
Superior Court of California
County of San Francisco
Case No. CGC 06-452655

William Elkins declare as follows:

I am an employee or sub-contractor to Investigation Logic, Inc. I am over the age of eighteen years and not a party to the within entitled action. The business address is 565 Commercial Street, Fourth Floor, San Francisco, CA 94111.

Investigation Logic, Inc. is registered in San Francisco County as a process server, and holds valid Registration Number 653.

On 7/28, 2006 at 1:20 pm, I personally served the foregoing document(s) described as:


1. FIRST AMENDED CLASS ACTION COMPLAINT

by personally delivering copies of the documents listed above to:

Polo Retail LLC
CSC Lawyers Incorporating Service
2730 Gateway Oaks Drive
Suite 100
Sacramento, CA 95833

I declare under penalty of perjury under the laws of the State of California that the foregoing statement is true and correct.

Executed on Becky DeGeorge at Sacramento, California.


William Elkins

ENDORSED
FILED
San Francisco County Superior Court
AUG 8 - 2006
GORDON PAHK-LI, Clerk
BY: JUANITA MURPHY
Deputy Clerk

PATRICK R. KITCHIN, ESQ. (SBN 162965)
LAW OFFICES OF PATRICK R. KITCHIN
565 Commercial Street, 4th Floor
San Francisco, CA 94111
Telephone: 415-677-9058
Facsimile: 415-627-9076

Daniel Feder, Esq. (SBN 130867)
LAW OFFICES OF DANIEL L. FEDER
807 Montgomery Street
San Francisco, CA 94133
Telephone: 415-391-9476

Attorneys for Plaintiff: Ann Otsuka

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE CITY AND COUNTY OF SAN FRANCISCO

ANN OTSUKA, et al.

Plaintiff,

vs.

POLO RALPH LAUREN CORP., et al.

Defendants

) Case No.: CGC 06 452655

) PROOF OF SERVICE OF FIRST
) AMENDED CLASS ACTION COMPLAINT

Proof of Personal Service

Ann Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.
Superior Court of California
County of San Francisco
Case No. CGC 06-452655

I, William Elkins, declare as follows:

I am an employee or sub-contractor to Investigation Logic, Inc. I am over the age of eighteen years and not a party to the within entitled action. The business address is 565 Commercial Street, Fourth Floor, San Francisco, CA 94111.

Investigation Logic, Inc. is registered in San Francisco County as a process server, and holds valid Registration Number 653.

On 7/28/06, 2006 at 1:30 pm, I personally served the foregoing document(s) described as:

1. FIRST AMENDED CLASS ACTION COMPLAINT

by personally delivering copies of the documents listed above to:

Polo Retail Corporation
CSC Lawyers Incorporating Service
2730 Gateway Oaks Drive
Suite 100
Sacramento, CA 95833

I declare under penalty of perjury under the laws of the State of California that the foregoing statement is true and correct.

Executed on Becky De George at Sacramento, California.


William Elkins

EXHIBIT 11

1 WILLIAM J. GOINES (SBN 061290)
 2 JEREMY A. MEIER (SBN 139849)
 3 GREENBERG TRAURIG, LLP
 1900 University Avenue, Fifth Floor
 4 East Palo Alto, California 94303
 Telephone: (650) 328-8500
 5 Facsimile: (650) 328-8508
 Email: goinesw@gtlaw.com
 meierj@gtlaw.com

6 Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 7 of America, Inc.; and Polo Retail Corporation

8
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 FOR THE COUNTY OF SAN FRANCISCO
 11

12 ANN OTSUKA, an individual; JANIS
 13 KEEFE, an individual; CORINNE PHIPPS,
 14 an individual; and JUSTIN KISER, an
 individual; and on behalf of all other similarly
 15 situated,

Plaintiff(s),

16 v.

17 POLO RALPH LAUREN CORPORATION,
 a Delaware Corporation; POLO RETAIL,
 18 LLC, a Delaware Corporation; POLO
 RALPH LAUREN CORPORATION, a
 19 Delaware Corporation, doing business in
 California as POLO RETAIL CORP;
 20 FASHIONS OUTLET OF AMERICA, INC.,
 a Delaware Corporation and DOES 1-500,
 21 inclusive,

22 Defendant(s).
 23
 24
 25
 26
 27
 28

Case No. CGC-06-452655

**DEFENDANTS POLO RALPH LAUREN
 CORPORATION; POLO RETAIL, LLC;
 POLO RETAIL CORP.; AND FASHIONS
 OUTLET OF AMERICA, INC.'S EX PARTE
 APPLICATION FOR ORDER FOR
 EXTENSION OF TIME TO RESPOND TO
 FIRST AMENDED COMPLAINT**

DATE: September 8, 2006
 TIME: 11:00 A.M.
 DEPT: 301
 JUDGE: Hon. Peter Busch

Date Action Filed: May 30, 2006

ENDORSED
 FILED
 San Francisco County Superior Court
 SEP 08 2006
 GORDON PARK-LI, Clerk
 MARY ANN MORAN
 Deputy Clerk

1 **I. INTRODUCTION**

2 Plaintiffs Ann Otsuka, Janis Keefe, Corrine Phipps, and Justin Kiser (hereafter "Plaintiffs"),
 3 individually and on behalf of others, served their First Amended Complaint ("FAC") on Defendants
 4 Polo Ralph Lauren Corporation; Polo Retail, LLC; Polo Retail Corp.; and Fashions Outlet of
 5 America, Inc. (hereafter "Polo" or "Defendants") on or about July 28, 2006 on Polo's corporate agent
 6 in California. Both the original complaint and the FAC were actually received by Polo's in house
 7 Labor Counsel on or about August 15, 2006. September 7, 2006 Declaration of Ravi Motwani, Esq.
 8 ("Motwani Decl."), ¶¶4,5.¹ The FAC is the operative Complaint for purposes of this Application.

9 The FAC includes the following causes of action against each of the four Polo Defendants:
 10 Fraud; False Imprisonment; Willful Violations of Labor Code §§510 and 204 [Failure to Pay Wages
 11 Earned]; Willful Violations of Labor Code §221; Breach of Contract; Willful Violations of Labor
 12 Code §§201, 202, and 203; Willful Failure to Provide Rest Periods; Willful Violations of Labor Code
 13 §226; Willful Violations of Labor Code §232, Violations of Business and Professions Code §§
 14 17200, et seq.; Unjust Enrichment; Declaratory Relief; and Recovery Under the Private Attorneys
 15 General Act. The FAC seeks class action status and compensatory and punitive damages for alleged
 16 failures to pay wages earned and provide for rest periods, as well as for alleged labor code violations
 17 and tort claims.

18 Defendants now bring this *Ex Parte* Application For Order For Extension Of Time To
 19 Respond To First Amended Complaint (hereafter "Application") for a thirty day extension of time to
 20 respond to the plaintiffs' FAC through and including October 12, 2006, pursuant to Cal Civ. Proc.
 21 Code §1054, Cal. R. Ct. 201.7, and S.F. Sup. Local Rule 3.3. Good cause exists for a further thirty
 22 day extension, and no prejudice will inure to Plaintiffs.

23
 24
 25
 26 ¹ Plaintiffs' original Complaint for class action wage and labor code violations was served on Polo's agent for service of
 27 process in California on or about June 8, 2006. However, Polo's in house Labor Counsel did not actually receive notice that
 28 the initial complaint had been served until on or about August 15, 2006. No response to the initial complaint was filed
 since on or about August 15, 2006, Polo's Labor Counsel learned that the Plaintiffs had served the FAC. Motwani Decl.,
 ¶4.

II. PROCEDURAL HISTORY

Defendants' response to the FAC was originally due to be filed by August 28, 2006. Cal. Gov't. Code § 68616(b); Cal. Civ. Proc. Code §412.20(a)(3). On or about August 15, 2006 Defendants retained Greenberg Traurig, LLP as counsel for the defense of this class action. September 6, 2006 Declaration of William J. Goines (hereafter "Goines Decl."), ¶3; Motwani Decl. ¶5. The FAC contains thirteen (13) separate causes of action and a myriad of factual allegations involving a class of Plaintiff employees dating back at least three years. Upon receiving notice, on or about August 15, 2006, that the original complaint and the FAC had been served, Defendants promptly retained counsel and began an initial investigation and review of the allegations of the FAC. Polo's principal place of business is in New York, New York. Motwani Decl., ¶3.

On August 23, 2006 Defendants' counsel sought a thirty day extension of time from Plaintiffs in which to file their response (which would have been effectuated pursuant to a stipulated order). Plaintiffs would initially only agree to a limited one week extension and then, on August 24 2006, to a fifteen day extension through and until September 12, 2006. Plaintiffs indicated they would not assent to a further extension of time past September 12, 2006.

The parties were thus able to stipulate on August 24, 2006 only to a fifteen day extension of time for Defendants' response, through and until September 12, 2006 (pursuant to Cal. Gov't. Code §68616 and Cal. R. Ct. 201.7(d)). Goines Decl., ¶¶6,7. The stipulation was expressly made without prejudice to the Defendants' right to now seek an order from the court for a further extension of response time, as necessary. Goines Decl., ¶7 and Ex. A. Upon being retained, Defendants' outside counsel immediately undertook its own review and consideration of the FAC upon receipt on or about August 16, 2006, which review and consideration is continuing. Goines Decl., ¶¶4,5,8.

III. LEGAL ARGUMENT

A. Good Cause Exists for a Thirty Day Extension of Time to Allow Polo and Their Newly Retained Counsel to Complete a Preliminary Investigation into Plaintiffs' Multiple Employment and Labor Law Claims, and to Formulate their Legal Response.

The complexities involved in investigating the many claims in Plaintiffs fifty-two (52) page FAC warrant a further extension of time for Defendants' response, especially considering that the Plaintiffs seek class action status for "all current and former hourly-based employees of Defendants

1 in the State of California who were subjected to the unlawful employment practices ... during all
 2 applicable statutes of limitations" (FAC, ¶55). The litigation thus implicates potentially many Polo
 3 California employees going back several years. Defendants and their counsel require additional time
 4 to complete their initial consideration of the FAC and formulate a response that is appropriate to
 5 Plaintiffs' many complex claims. Goines Decl., ¶¶8,9. Motwani Decl. ¶¶6,8,9.

6 Defendants' principle place of business is located in New York, New York. Defendants
 7 retained the law firm of Greenberg Traurig, LLP to represent them in this matter on August 15, 2006
 8 -- the same day Polo's Labor Counsel learned that the FAC had been served on Defendants. Goines
 9 Decl., ¶3. Motwani Decl., ¶5. Extensive investigation and research into the alleged underlying facts,
 10 as well as a concurrent legal analysis, is ongoing and Defendants and their counsel are proceeding
 11 with all deliberate speed. Goines Decl., ¶5. Counsel estimates, however, that it will still take at least
 12 thirty (30) additional days from the date of this Application to complete the necessary investigation,
 13 research, analysis, and response to the FAC. Goines Decl., ¶9.

14 The Court has express authority by statute to extend the time for response an additional thirty
 15 days beyond September 12, 2006. "An act to be done" related "to the pleadings in the action ... may
 16 be extended, upon good cause shown, by the judge of the court in which the action is pending, ...; but
 17 the extension so allowed shall not exceed 30 days, without the consent of the adverse party." Cal.
 18 Civ. Proc. Code §1054(a). Cal. Civ. Proc. Code §1054(b) states that, "[i]n all cases in which the
 19 court or judge is authorized by this section to grant an extension of time, ... any extension of time
 20 previously granted by stipulation ... shall not be included in the computation of the 30-day limitation
 21 upon extensions of time allowed by the court of judge." Further, the Court may exercise
 22 discretionary power to allow a short extension for Polo and their counsel to fully analyze the
 23 allegations contained in Plaintiffs' FAC. Lucci v. United Credit & Collection Co., 31 P.2d 369, 495
 24 (1930).

25 Cal. R. Ct. 201.7(d) allows the parties to stipulate "to one 15-day extension beyond the 30-day
 26 time period prescribed for the response..." Cal. R.Ct. 201.7(e) further authorizes this court "on its
 27 own motion or on the application of a party" to "extend or otherwise modify" the time for responsive
 28

1 pleadings. S.F. Sup. Local Rule 3.3(B) specifically provides for the filing of this Application for
2 extension to respond.

3 Plaintiffs will not stipulate to any additional response time beyond September 12, 2006, and
4 have been duly notified of this Ex Parte Application and hearing. Declaration of Jeremy A. Meier,
5 Esq. ("Meier Decl."), ¶¶3,4,7,8. Polo and their counsel have several significant reasons justifying the
6 grant of additional response time. The Defendants and their counsel require additional time to
7 analyze and evaluate the FAC. Among other things, since the Defendants retained Greenberg Traurig
8 in connection with this matter, the primary attorney resident in the firm's Silicon Valley office,
9 William Goines, has been largely unavailable to focus on this matter due to a previously scheduled
10 trial.

11 Specifically, Mr. Goines was "trailing" for trial call in Alameda County, PFRS Dublin Corp.
12 v. Video Only, Inc., Case No. VG 06-272796, from August 14, 2006 to August 18, 2006, whereupon
13 he commenced a jury trial in the matter before the Hon. Julia Spain, Dept. 521, Alameda County,
14 Hayward Branch on August 21, 2006 (which trial was ultimately declared a mistrial on August 25,
15 2006 resulting in additional time spent re-scheduling that trial). Goines Decl., ¶5. Mr. Goines is
16 currently scheduled to fly to New York to meet with Polo representatives and Brian Cousin of
17 Greenberg Traurig on September 14, 2006 to discuss the FAC and the Defendants' response thereto.
18 Goines Decl., ¶5.

19 B. Plaintiffs Will Not Suffer Any Prejudice as a Result of a Thirty Day Extension; the
20 Interests of Justice and Judicial Efficiency Are Best Served By an Extension.

21 No prejudice will befall Plaintiffs by a short extension of time for Polo's response. Given that
22 (1) the original complaint was filed in May and served on June 8, (2) the FAC was served on July 28,
23 (3) the Defendants' Labor Counsel received notice on or about August 15, 2006 that the FAC was
24 served, and (4) the Defendants promptly retained counsel to represent them on or about August 15,
25 2006, (Motwani Decl., ¶¶4,5), an additional thirty (30) days will not prejudice Plaintiffs.

26 The interests of efficiency and judicial economy are best served by ensuring that Defendants
27 are allowed ample time to formulate a meaningful and productive legal response to the FAC. Indeed,
28 the interests of all parties, the Court, and that of "justice," dictate that the litigation proceed on an

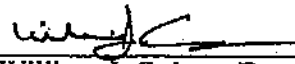
1 efficient and manageable schedule. A thirty (30) day additional time for response will allow Polo to
2 defend itself in the most efficient and appropriate manner, thus helping ensure the litigation
3 ultimately proceeds with fairly and that the Court's time and energies are well served. Goines Decl.,
4 ¶8; Meier Decl., ¶6; Motwani Decl., ¶8,9.

5 **IV. CONCLUSION**

6 Wherefore, Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Polo Retail Corp.;
7 and Fashions Outlet of America, Inc. respectfully request a thirty (30) day extension of time to
8 respond to Plaintiffs' First Amended Complaint, to and including October 12, 2006.

9
10 Dated: September 7, 2006.

GREENBERG TRAURIG, LLP

11
12 By: 
13 William J. Goines, Esq.
Jeremy A. Meier, Esq.

14 Attorneys for Defendants Polo Ralph Lauren
15 Corporation; Polo Retail, LLC; Fashions Outlet
16 of America, Inc.; and Polo Retail Corporation
17
18
19
20
21
22
23
24
25
26
27
28

Otsuka, et al. v. Polo Ralph Lauren, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Andrea Beggs, declare that I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On the date written below, I served the following document(s):

DEFENDANTS POLO RALPH LAUREN CORPORATION; POLO RETAIL, LLC; POLO RETAIL CORP.; AND FASHIONS OUTLET OF AMERICA, INC.'S EX PARTE APPLICATION FOR ORDER FOR EXTENSION OF TIME TO RESPOND TO FIRST AMENDED COMPLAINT

by placing said document(s) listed above in a sealed envelope and served as detailed below:


Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
Tel: (415) 677-9058
Fax: (415) 627-9076
(Plaintiff's Co-Counsel)

Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery Street
San Francisco, CA 94133
Tel: (415) 391-9476
Fax: (415) 391-9432
(Plaintiff's CO-Counsel)

☐ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately 3:00 pm, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 7, 2006 at East Palo Alto, California.


Andrea Beggs

1 WILLIAM J. GOINES (SBN 061290)
 2 JEREMY A. MEIER (SBN 139849)
 3 GREENBERG TRAURIG, LLP
 1900 University Avenue, Fifth Floor
 4 East Palo Alto, California 94303
 Telephone: (650) 328-8500
 5 Facsimile: (650) 328-8508
 Email: goinesw@gtlaw.com
 meierj@gtlaw.com

6 Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 7 of America, Inc.; and Polo Retail Corporation

ENDORSED
 FILED
 San Francisco County Superior Court
 SEP 08 2006
 JUDGE: GORDON PARK-LI, Clerk
 MARYANN MORAN
 Deputy Clerk

8
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 FOR THE COUNTY OF SAN FRANCISCO

11
 12 ANN OTSUKA, an individual; JANIS
 13 KEEFE, an individual; CORINNE PHIPPS,
 an individual; and JUSTIN KISER, an
 14 individual; and on behalf of all other similarly
 situated,

Plaintiff(s),

15 v.

16 POLO RALPH LAUREN CORPORATION,
 17 a Delaware Corporation; POLO RETAIL,
 LLC, a Delaware Corporation; POLO
 18 RALPH LAUREN CORPORATION, a
 Delaware Corporation, doing business in
 19 California as POLO RETAIL CORP;
 FASHIONS OUTLET OF AMERICA, INC.,
 20 a Delaware Corporation and DOES 1-500,
 inclusive,

21 Defendant(s).
 22

Case No. CGC-06-452655

**DECLARATION OF RAVI MOTWANI, ESQ.
 IN SUPPORT OF DEFENDANTS POLO
 RALPH LAUREN CORPORATION; POLO
 RETAIL, LLC; POLO RETAIL CORP.; AND
 FASHIONS OUTLET OF AMERICA, INC.'S
 EX PARTE APPLICATION FOR ORDER
 EXTENDING TIME TO RESPOND TO FIRST
 AMENDED COMPLAINT**

DATE: September 8, 2006
 TIME: 11:00 A.M.
 DEPT: 301
 JUDGE: Hon. Peter Busch

Date Action Filed: May 30, 2006

23
 24 I, RAVI MOTWANI, declare:

25 1. I am Vice President, Labor Counsel for Defendant Polo Ralph Lauren Corporation. I
 26 am submitting this declaration on behalf of Defendants Polo Ralph Lauren Corporation, Polo Retail,
 27 LLC; Polo Retail Corp.; and Fashions Outlet of America, Inc. (hereafter "Polo" or "Defendants"), in
 28 support of their ex parte application for an order extending the time for the Defendants to respond to

1 the First Amended Complaint (hereafter "FAC") of Plaintiffs Ann Otsuka, Janis Keefe, Corrine
2 Phipps, and Justin Kiser's (hereafter "Plaintiffs").

3 2. I have personal knowledge of the matters set forth below except as to those which are
4 stated on information and belief and, as to those, I am informed and believe that they are true. If
5 called as a witness, I could and would competently testify to the following facts in a court of law.

6 3. I am licensed to practice law in the State of New York. The principle place of
7 business of each of the Defendants is 650 Madison Avenue, New York, New York 10022.

8 4. I am responsible for overseeing Polo's defense of this action. An original Complaint
9 had been served on Polo's corporate agent for service of process in California on or about June 8,
10 2006. The FAC was apparently served on Polo's corporate agent in California on or about July 28,
11 2006. On or about August 15, 2006, I first received notice that the original complaint and the FAC
12 had been served.

13 5. Immediately upon receiving notice on August 15, 2006 that the original Complaint
14 and the FAC had been served, Polo undertook to retain outside counsel in connection with this action.
15 Given the complexity of the issues involved in the FAC, including allegations of wage and labor law
16 and tort claims, Polo determined that it was in its best interests to seek to retain defense counsel that
17 had certain specific resources and capabilities. Polo thus retained Greenberg Traurig, LLP (hereafter
18 "Greenberg Traurig") to represent it in connection with this matter on or about August 15, 2006.

19 6. I have recently scheduled a strategy meeting between Greenberg Traurig's
20 shareholders Brian S. Cousin, Esq. and William J. Goines, Esq., Polo's General Counsel, and me for
21 September 14, 2006. Given the schedules of the defense counsel(s) and Polo's relevant executives
22 and personnel, September 14, 2006 was the earliest available time Polo could schedule this strategy
23 meeting.

24 7. It was my understanding that Polo's responsive pleading was initially due to be filed
25 in San Francisco Superior Court by August 28, 2006. Polo authorized Greenberg Traurig to seek an
26 appropriate extension of time to enable the firm to complete its initial evaluation and analysis of the
27 FAC, to advise Polo with respect to that analysis, and to take appropriate action to protect Polo's
28

1 rights. It is my understanding that Plaintiffs have agreed to a one time fifteen (15) day extension of
2 time for Polo to answer or otherwise move through and until September 12, 2006.

3 8. Polo's investigation into the facts is ongoing, and our preliminary review of the
4 underlying factual claims in the FAC will take several more weeks to complete. Further, we need
5 additional time to meet with our newly retained defense counsel and discuss with them the claims and
6 allegations set forth in the FAC. Polo would also like to allow our counsel ample time to do their
7 own investigation and to prepare their response to the FAC. Polo anticipates that it will take several
8 more weeks to bring our counsel up to speed on all the particular factual claims and issues pertaining
9 to the FAC.

10 9. I, therefore, anticipate that Polo will be able to complete its initial investigation into
11 the FAC and be in a position to file and serve a response within thirty (30) days from September 12,
12 2006, i.e., by October 12, 2006. Accordingly, I respectfully request that the Court grant Polo an
13 extension of time to answer or otherwise move with respect to the FAC to and including October 12,
14 2006.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct and, if stated on information and belief, I believe it to be true. Executed in New
17 York, New York, this 7th day of September, 2006.

18
19
20 
Ravi Motwani

Otsuka, et al. v. Polo Ralph Lauren, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Andrea Beggs, declare that I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On the date written below, I served the following document(s):

DECLARATION OF RAVI MOTWANI, ESQ. IN SUPPORT OF DEFENDANTS POLO RALPH LAUREN CORPORATION; POLO RETAIL, LLC; POLO RETAIL CORP.; AND FASHIONS OUTLET OF AMERICA, INC.'S EX PARTE APPLICATION FOR ORDER EXTENDING TIME TO RESPOND TO FIRST AMENDED COMPLAINT

by placing said document(s) listed above in a sealed envelope and served as detailed below:


Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
Tel: (415) 677-9058
Fax: (415) 627-9076
(Plaintiff's Co-Counsel)

Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery Street
San Francisco, CA 94133
Tel: (415) 391-9476
Fax: (415) 391-9432
(Plaintiff's CO-Counsel)

☐ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately 3:00 pm, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 7, 2006 at East Palo Alto, California.


Andrea Beggs

WILLIAM J. GOINES (SBN 061290)
 JEREMY A. MEIER (SBN 139849)
 GREENBERG TRAUIG, LLP
 1900 University Avenue, Fifth Floor
 East Palo Alto, California 94303
 Telephone: (650) 328-8500
 Facsimile: (650) 328-8508
 Email: goinesw@gtlaw.com
 meierj@gtlaw.com

Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 of America, Inc.; and Polo Retail Corporation

RECEIVED
 San Francisco County Superior Court
 SEP 08 2006
 GUTMANN PARK-LI, Clerk
 BY: MARYANN MORAN
 Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN FRANCISCO

ANN OTSUKA, an individual; JANIS
 KEEFE, an individual; CORINNE PHIPPS,
 an individual; and JUSTIN KISER, an
 individual; and on behalf of all other similarly
 situated,

Plaintiff(s),

v.

POLO RALPH LAUREN CORPORATION,
 a Delaware Corporation; POLO RETAIL,
 LLC, a Delaware Corporation; POLO
 RALPH LAUREN CORPORATION, a
 Delaware Corporation, doing business in
 California as POLO RETAIL CORP;
 FASHIONS OUTLET OF AMERICA, INC.,
 a Delaware Corporation and DOES 1-500,
 inclusive,

Defendant(s).

Case No. CGC-06-452655

**DECLARATION OF WILLIAM J. GOINES
 IN SUPPORT OF DEFENDANTS POLO
 RALPH LAUREN CORPORATION; POLO
 RETAIL, LLC; POLO RETAIL CORP.; AND
 FASHIONS OUTLET OF AMERICA, INC.'S
 EX PARTE APPLICATION FOR ORDER
 EXTENDING TIME TO RESPOND TO FIRST
 AMENDED COMPLAINT**

DATE: September 8, 2006
 TIME: 11:00 A.M.
 DEPT: 301
 JUDGE: Hon. Peter Busch

Date Action Filed: May 30, 2006

I, WILLIAM J. GOINES, declare:

1. I am an attorney at law duly licensed to practice in the State of California and am a
 shareholder of Greenberg Traurig, LLP, attorneys for Defendants Polo Ralph Lauren Corporation;
 Polo Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation (hereafter "Polo" or
 "Defendants").

1 2. I have personal knowledge of the matters set forth below except as to those which are
2 stated on information and belief and, as to those, I am informed and believe that they are true. If
3 called as a witness, I could and would competently testify to the following facts in a court of law.

4 3. Greenberg Traurig was retained by Polo to defend them in this matter on or about
5 August 15, 2006. On August 16, 2006 I received for the first time a copy of Plaintiffs Ann Otsuka,
6 Janis Keefe, Corrine Phipps, and Justin Kiser's (hereafter "Plaintiffs") class action First Amended
7 Complaint ("FAC") against Polo for wage and labor law violations and tort claims. The FAC was
8 apparently served on Polo's agent for service of process on or about July 28, 2006, and I understand
9 that Polo's Labor Counsel did not learn that the FAC has been served until on or about August 15,
10 2006. I am lead local counsel for Polo for this litigation and am still in the midst of completing an
11 initial review and analysis of the lengthy FAC.

12 4. The FAC is a complex wage and labor law class action against four corporate
13 defendants. As part of our analysis into the FAC, it is critical that we have sufficient time to meet
14 with our clients to review the disputed facts underlying the allegations and to conduct our own
15 independent analysis. We have begun an investigation into the allegations in the FAC, and have
16 initiated an analysis of the many legal issues related thereto. However, the FAC contains thirteen
17 different wage and labor, tort, and contract claims, each of which merits extensive investigation and
18 analysis before we can file a meaningful response.

19 5. I will be traveling to Polo's headquarters in New York City next week to personally
20 discuss strategy and evaluate the merits of the allegations with Polo's Vice President, Labor Counsel,
21 and my New York colleague Brian Cousin, Esq. on September 14, 2006. For professional and
22 personal scheduling reasons, September 14, 2006 is the earliest mutually available date for this
23 strategy meeting between Polo, Mr. Cousin, and me. In particular, I was on twenty-four (24) hour
24 trial call beginning August 14, 2006 in Alameda County Superior Court, and eventually was called
25 for trial on August 21, 2006 in the matter of PFRS Dublin Corp. v. Video Only, Inc., Alameda
26 County Case No. VG 06-272796, before the Hon. Julia Spain, Dept. 521. The trial was ultimately
27 declared a mistrial on August 24, 2006, resulting in several more days of negotiation and preparation
28

1 for a renewed trial date now set for October 2, 2006. I then was out of state for previously arranged
2 personal reasons from August 31, 2006 through September 4, 2006.

3 6. Mindful that our preliminary investigation of the underlying facts and issues would
4 take some weeks, on August 23, 2006, I instructed my associate Jeremy A. Meier, Esq. to contact
5 Plaintiffs' counsel Patrick R. Kitchen, Esq. ("Mr. Kitchen") and inform him that we had just been
6 retained and would require additional time to complete an initial legal evaluation and prepare a
7 response. On August 24, 2006, Plaintiffs' counsel informed us that he would only agree to a
8 maximum fifteen day total extension from August 28, 2006 through and until September 12, 2006.

9 7. I explained to Mr. Kitchen on August 24, 2006 that I likely needed at least thirty more
10 days to conduct a review of the facts pertaining to the FAC, and asked Mr. Kitchen to agree to a
11 minimum thirty day extension. Plaintiffs would not agree to anything beyond the fifteen day
12 extension. Counsel thus agreed on August 24, 2006 that Polo would have until September 12, 2006
13 to file a response without prejudice to Defendants' right to seek additional necessary response time.
14 Attached hereto is a true and correct copy of Plaintiffs' counsel's August 24, 2006 confirming email
15 regarding the stipulated initial extension ("Exhibit A").

16 8. We still need additional time to complete our initial investigation into the allegations
17 in the FAC, to analyze the legal merits therein, and to discuss the matter in detail with our clients.
18 This will allow us to formulate an appropriate response that will allow the litigation to proceed
19 efficiently. Ultimately, therefore, a short further extension at this time will serve the interests of the
20 parties and result in an effective use of the Court's resources and time.

21 9. Plaintiffs counsel did not and has not indicated to me or my colleagues that any
22 prejudice would befall his clients should Defendants response time be extended beyond September
23 12, 2006. Our initial investigation, review, and analysis of the FAC is ongoing, and requires
24 approximately another thirty days to complete. We thus seek an order from the Court granting Polo's
25 Application for Extension of Time to Respond to and including October 12, 2006.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 is true and correct and if stated on information and belief, I believe it to be true. Executed at East
3 Palo Alto, California, this 7th day of September, 2006.

4
5 
6 William J. Goines

A

From: Patrick R. Kitchen [prk@investigationlogic.com]
Sent: Thursday, August 24, 2006 10:22 AM
To: Goines, William (Shid-SV-LT); Meier, Jeremy (Atty-SV-LT)
Cc: Danfeder (E-mail)
Subject: Otsuka v. Polo

Attachments: Otsuka v. Polo Ralph Lauren.pdf



Otsuka v. Polo
Ralph Lauren.pdf...

Gentlemen,

Attached as a PDF file are copies of our proofs of service of our first amended complaint on the Polo entities. All were served on July 28th.

As we discussed, we will stipulate to a 15 day extension under CRC 201.7(d). Defendants' responsive pleadings are due September 12, 2006. You indicated that you may seek a further extension of time from the Court under CRC 201.7. This stipulation does not affect your right to do so, nor our right to oppose any further requests for extension.

If you have any questions, please feel free to call.

Patrick Kitchen

The Law Office of Patrick R. Kitchen
565 Commercial Street, 4th Floor
San Francisco, CA 94111
Phone: (415) 677-9058
Fax: (415) 627-9076

Otsuka, et al. v. Polo Ralph Lauren, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Andrea Beggs, declare that I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On the date written below, I served the following document(s):

DECLARATION OF WILLIAM J. GOINES IN SUPPORT OF DEFENDANTS POLO RALPH LAUREN CORPORATION; POLO RETAIL, LLC; POLO RETAIL CORP.; AND FASHIONS OUTLET OF AMERICA, INC.'S EX PARTE APPLICATION FOR ORDER EXTENDING TIME TO RESPOND TO FIRST AMENDED COMPLAINT

by placing said document(s) listed above in a sealed envelope and served as detailed below:

Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
Tel: (415) 677-9058
Fax: (415) 627-9076
(Plaintiff's Co-Counsel)

Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery Street
San Francisco, CA 94133
Tel: (415) 391-9476
Fax: (415) 391-9432
(Plaintiff's CO-Counsel)

☐ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately 3:00 pm, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 7, 2006 at East Palo Alto, California.


Andrea Beggs

WILLIAM J. GOINES (SBN 061290)
 JEREMY A. MEIER (SBN 139849)
 GREENBERG TRAUIG, LLP
 1900 University Avenue, Fifth Floor
 East Palo Alto, California 94303
 Telephone: (650) 328-8500
 Facsimile: (650) 328-8508
 Email: goinesw@gtlaw.com
 meierj@gtlaw.com

Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 of America, Inc.; and Polo Retail Corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN FRANCISCO

ANN OTSUKA, an individual; JANIS
 KEEFE, an individual; CORINNE PHIPPS,
 an individual; and JUSTIN KISER, an
 individual; and on behalf of all other similarly
 situated,

Plaintiff(s),

v.

POLO RALPH LAUREN CORPORATION,
 a Delaware Corporation; POLO RETAIL,
 LLC, a Delaware Corporation; POLO
 RALPH LAUREN CORPORATION, a
 Delaware Corporation, doing business in
 California as POLO RETAIL CORP;
 FASHIONS OUTLET OF AMERICA, INC.,
 a Delaware Corporation and DOES 1-500,
 inclusive,

Defendant(s).

Case No. CGC-06-452655

**DECLARATION OF JEREMY A. MEIER IN
 SUPPORT OF DEFENDANTS POLO RALPH
 LAUREN CORPORATION; POLO RETAIL,
 LLC; POLO RETAIL CORP.; AND
 FASHIONS OUTLET OF AMERICA, INC.'S
 EX PARTE APPLICATION FOR ORDER
 EXTENDING TIME TO RESPOND TO FIRST
 AMENDED COMPLAINT**

DATE: September 8, 2006
 TIME: 11:00 A.M.
 DEPT: 301
 JUDGE: Hon. Peter Busch

Date Action Filed: May 30, 2006

I, JEREMY A. MEIER, declare:

1. I am an attorney at law duly licensed to practice in the State of California and am
 associated with Greenberg Traurig, LLP. I am one of the attorneys representing Defendants Polo
 Ralph Lauren Corporation; Polo Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail
 Corporation (hereafter "Polo" or "Defendants") in connection with the above-captioned matter.

FILED
 San Francisco County Superior Court
 SEP 08 2006
 JUDITH PARK-LL, Clerk
 MARYANN MORAN
 Deputy Clerk

1 2. I have personal knowledge of the matters set forth below except as to those which are
2 stated on information and belief and, as to those, I am informed and believe that they are true. If
3 called as a witness, I could and would competently testify to the following facts in a court of law.

4 3. On August 23, 2006, I telephoned Plaintiffs' counsel Mr. Patrick R. Kitchen ("Mr.
5 Kitchen") and spoke with him regarding an extension of time for our clients Polo to respond to the
6 First Amended Complaint ("FAC"). I explained that Greenberg Traurig had just been engaged to
7 represent the Defendants in connection with this matter and that we required at least thirty additional
8 days to respond. Mr. Kitchen said he was reluctant to stipulate to any time beyond one week, and
9 asked that we call again the following week to let him know the status. He indicated at that same
10 time that he might be willing to eventually agree to extend the Defendants' time to respond by fifteen
11 days total, but that he was not willing to agree to a thirty day extension.

12 4. On August 24, 2006, in a telephone call between Mr. William J. Goines, Esq., Mr.
13 Kitchen, and me, it was agreed that Polo would have fifteen days through and until September 12,
14 2006, without prejudice to Polo's right to seek additional time as allowed by law. A true and correct
15 copy of my confirming email to Mr. Kitchen is attached hereto in Exhibit "A."

16 5. The FAC is fifty-two (52) pages long (plus exhibits), with thirteen separate causes of
17 action and implicating issues and facts going back several years. Since being retained to represent
18 the Defendants in connection with this matter on or about August 15, 2006, we have been reviewing
19 and analyzing the factual and legal claims set forth in the FAC. As a result of this review and
20 analysis, I believe that there are many factual and legal issues that should be further researched,
21 reviewed, and considered prior to the Defendants' response to the FAC.

22 6. In light of the scope and complexity of the allegations in the FAC, and the totality of
23 the circumstances set forth above, we respectfully request, by virtue of this Ex Parte Application for
24 Extension of Time to Respond ("Application"), that the Court issue an order granting Polo time to
25 respond to the FAC through and including October 12, 2006.

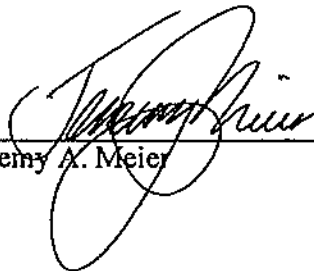
26 7. Plaintiffs' counsel effectively received 48 hours notice of this *ex parte* Application.
27 On Wednesday, September 6, 2006 at 9:59 A.M., I first e-mailed Plaintiffs' counsel Mr. Kitchen and
28 his co-counsel Mr. Daniel Feder, Esq. ("Mr. Feder"), and informed them that Defendants would be

1 making an *ex parte* appearance seeking a further thirty days response time at 11:00 A.M., September
2 7, 2006, in Dept. 301, San Francisco Superior Court, 400 McAllister Street, San Francisco,
3 California. I then telephoned Mr. Kitchen at 10:00 A.M. on September 6, 2006 and told him we had
4 just him an email regarding this *ex parte* and I reiterated the date, time and nature of this Application.
5 *I then emailed Mr. Kitchen and Mr. Feder at approximately 6:00 p.m. on September 6, 2006 and*
6 *informed counsel we were further scheduling this ex parte for September 8, 2006 (rather than*
7 *September 7) at 11:00 a.m., Dept. 301, San Francisco Superior Court, 400 McAllister Street, San*
8 *Francisco, California.* I again informed him we would be sending papers as soon as practically
9 possible. I also called Mr. Kitchen and left him a voice message at approximately 6:05 p.m. on
10 Wednesday September 6, 2006 and again notified him that Polo would be making this *ex parte*
11 appearance for extension on *Friday, September 8, 2006, at 11:00 a.m. in Dept. 301, San Francisco*
12 *Superior Court, 400 McAllister Street, San Francisco, California.*

13 8. I detailed the nature of the relief to be sought by this *ex parte* Application in my
14 emails and telephone calls with Mr. Kitchen on September 6, 2006. True and correct copies of my
15 confirming e-mails notifying Plaintiffs' counsel of the date, time, place, and nature of this *Ex Parte*
16 Application are attached hereto as Exhibit "A."

17 9. I then emailed and caused to be faxed to Mr. Kitchen and Mr. Feder copies of this
18 Application at approximately 3:00 p.m. on September 7, 2006.

19
20 I declare under penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct and, if stated on information and belief, I believe it to be true. Executed at East
22 Palo Alto, California, this 7th day of September, 2006.

23
24
25
26
27
28

Jeremy A. Meier

A

Meier, Jeremy (Atty-SV-LT)

From: Meier, Jeremy (Atty-SV-LT)
Sent: Wednesday, September 06, 2006 6:12 PM
To: 'prk@investigationlogic.com'; Danfeder (E-mail)
Cc: Goines, William (SHld-SV-LT)
Subject: Ex Parte rescheduled to Sept. 8, 2006: Otsuka v. Polo Ralph Lauren Corporation; Polo Retail, LLC; Polo Retail Corp.; and Fashions Outlet of America, Inc.

Gentlemen:

On behalf of Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Polo Retail Corp.; and Fashions Outlet of America, Inc. ("Defendants"), please be advised we are re-scheduling the previously discussed ex parte appearance for the above referenced case from Thursday September 7, 2006 to **Friday, September 8, 2006** at 11:00 a.m., Dept. 301, San Francisco Superior Court, 400 McAllister Street, San Francisco, CA.

As discussed earlier today, this *ex parte* will be brought to seek an order allowing Defendants an additional thirty days in which to respond to Plaintiffs First Amended Complaint, to and including October 12, 2006. Again, we will forward the papers as soon as reasonably practicable.

We appreciate your professional courtesy in the further scheduling of this *ex parte* application.

Should you wish to discuss this matter or have any questions, please call or email.

Thank you.

Jeremy Meier
Greenberg Traurig, LLP
1900 University Avenue, 5th Floor
East Palo Alto, CA 94303
Direct: 650 289-7839
Fax: 650 328-8508
meierj@gtlaw.com

Meier, Jeremy (Atty-SV-LT)

From: Meier, Jeremy (Atty-SV-LT)
Sent: Wednesday, September 06, 2006 9:59 AM
To: 'prk@investigatíonlogic.com'; Danfeder (E-mail)
Cc: Goines, William (Shid-SV-LT)
Subject: Defendants' Notice of Appearance for Ex Parte Extension for Response: Otsuka v. Polo Ralph Lauren Corporation, et al.

Gentlemen:

Please be advised that Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Polo Retail Corp.; and Fashions Outlet of America, Inc. ("Defendants") will make an ex parte appearance tomorrow, September 7, 2006 in the above referenced case, at 11:00 A.M., SF Superior Court, Dept. 301, 400 McAllister Street, San Francisco, CA.

Defendants will be seeking a further thirty (30) day extension of time in which to respond to the First Amended Complaint of Plaintiffs Ann Otsuka, Janis Keefe, Corinne Phipps, and Justin Kiser, individually and on behalf of others similarly situated. We will send via email and facsimile Defendants' moving papers later today.

Please feel free to let me know any questions. Thank you.

Jeremy Meier
Greenberg Traurig, LLP
1900 University Avenue, 5th Floor
East Palo Alto, CA 94303
Direct: 650 289-7839
Fax: 650 328-8508
meierj@gtlaw.com

Meier, Jeremy (Atty-SV-LT)

From: Meier, Jeremy (Atty-SV-LT)
Sent: Thursday, August 24, 2006 12:14 PM
To: 'prk@investigationlogic.com'
Cc: Danfeder (E-mail); Goines, William (Shld-SV-LT)
Subject: RE: Otsuka v. Polo Ralph Lauren Corporation, et al.

Patrick:

It was a pleasure speaking with you yesterday and today regarding the above-referenced case. As discussed, we are in the process of finalizing our retention as defense counsel for this matter, and appreciate your courtesy in granting the below-referenced extension of time for the served Defendants to respond to Plaintiffs First Amended Complaint.

We concur with your email that the response is now currently due September 12, 2006. As further noted, this stipulation is without prejudice to Defendants' right to seek any necessary additional response time as allowed.

In the meantime, please feel free to call or email should you or Mr. Feder have any questions or concerns.

Thank you.

Jeremy Meier
Greenberg Traurig, LLP
1900 University Avenue, 5th Floor
East Palo Alto, CA 94303
Direct: 650 289-7839
Fax: 650 328-8508
meierj@gtlaw.com

-----Original Message-----

From: Patrick R. Kitchin [mailto:prk@investigationlogic.com]
Sent: Thursday, August 24, 2006 10:22 AM
To: Goines, William (Shld-SV-LT); Meier, Jeremy (Atty-SV-LT)
Cc: Danfeder (E-mail)
Subject: Otsuka v. Polo

Gentlemen,

Attached as a PDF file are copies of our proofs of service of our first amended complaint on the Polo entities. All were served on July 28th.

As we discussed, we will stipulate to a 15 day extension under CRC 201.7(d). Defendants' responsive pleadings are due September 12, 2006. You indicated that you may seek a further extension of time from the Court under CRC 201.7. This stipulation does not affect your right to do so, nor our right to oppose any further requests for extension.

If you have any questions, please feel free to call.

Patrick Kitchin

The Law Office of Patrick R. Kitchin
565 Commercial Street, 4th Floor
San Francisco, CA 94111
Phone: (415) 677-9058
Fax: (415) 627-9076

Otsuka, et al. v. Polo Ralph Lauren, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Andrea Beggs, declare that I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On the date written below, I served the following document(s):

DECLARATION OF JEREMY A. MEIER IN SUPPORT OF DEFENDANTS POLO RALPH LAUREN CORPORATION; POLO RETAIL, LLC; POLO RETAIL CORP.; AND FASHIONS OUTLET OF AMERICA, INC.'S EX PARTE APPLICATION FOR ORDER EXTENDING TIME TO RESPOND TO FIRST AMENDED COMPLAINT

by placing said document(s) listed above in a sealed envelope and served as detailed below:

Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
Tel: (415) 677-9058
Fax: (415) 627-9076
(Plaintiff's Co-Counsel)

Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery Street
San Francisco, CA 94133
Tel: (415) 391-9476
Fax: (415) 391-9432
(Plaintiff's CO-Counsel)

☐ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately 3:00 pm, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 7, 2006 at East Palo Alto, California.


Andrea Beggs

Proof of Service

SV 346079217v1

1 WILLIAM J. GOINES (SBN 061290)
2 JEREMY A. MEIER (SBN 139849)
3 GREENBERG TRAURIG, LLP
4 1900 University Avenue, Fifth Floor
5 East Palo Alto, California 94303
6 Telephone: (650) 328-8500
7 Facsimile: (650) 328-8508
8 Email: goinesw@gtlaw.com
9 meierj@gtlaw.com

10 Attorneys for Defendants Polo Ralph Lauren
11 Corporation; Polo Retail, LLC; Fashions Outlet
12 of America, Inc.; and Polo Retail Corporation

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF SAN FRANCISCO

15 ANN OTSUKA, an individual; JANIS
16 KEEFE, an individual; CORINNE PHIPPS,
17 an individual; and JUSTIN KISER, an
18 individual; and on behalf of all other similarly
19 situated,

20 Plaintiff(s),

21 v.

22 POLO RALPH LAUREN CORPORATION,
23 a Delaware Corporation; POLO RETAIL,
24 LLC, a Delaware Corporation; POLO
25 RALPH LAUREN CORPORATION, a
26 Delaware Corporation, doing business in
27 California as POLO RETAIL CORP;
28 FASHIONS OUTLET OF AMERICA, INC.,
a Delaware Corporation and DOES 1-500,
inclusive,

Defendant(s).

Case No. CGC-06-452655

**[PROPOSED] ORDER GRANTING
DEFENDANTS' POLO RALPH LAUREN
CORPORATION; POLO RETAIL, LLC;
POLO RETAIL CORP.; AND FASHIONS
OUTLET OF AMERICA, INC.'S EX PARTE
APPLICATION FOR ORDER EXTENDING
TIME TO RESPOND TO FIRST AMENDED
COMPLAINT**

DATE: September 8, 2006
TIME: 11:00 A.M.
DEPT: 301
JUDGE: Hon. Peter Busch

Date Action Filed: May 30, 2006

29 The Ex Parte Application by Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC;
30 Fashions Outlet of America, Inc.; and Polo Retail Corporation for an Order extending their time to
31 respond to the First Amended Complaint of Plaintiffs, individually and on behalf of others, Anne

1 Otsuka, Janis Keefe, Corinne Phipps and Justin Kiser ("Plaintiffs"), having come before this Court,
2 and good cause appearing therefore,

3 IT IS HEREBY ORDERED that Defendants Polo Ralph Lauren Corporation; Polo Retail,
4 LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation shall have a thirty (30) day
5 extension of time from September 12, 2006 to and including October 12, 2006, within which to file
6 their response to Plaintiffs' First Amended Complaint.

7
8 Dated: _____, 2006.

9 Judge of the Superior Court
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Otsuka, et al. v. Polo Ralph Lauren, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Andrea Beggs, declare that I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On the date written below, I served the following document(s):

[PROPOSED] ORDER GRANTING DEFENDANTS' POLO RALPH LAUREN CORPORATION; POLO RETAIL, LLC; POLO RETAIL CORP.; AND FASHIONS OUTLET OF AMERICA, INC.'S EX PARTE APPLICATION FOR ORDER EXTENDING TIME TO RESPOND TO FIRST AMENDED COMPLAINT

by placing said document(s) listed above in a sealed envelope and served as detailed below:


Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
Tel: (415) 677-9058
Fax: (415) 627-9076
(Plaintiff's Co-Counsel)

Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery Street
San Francisco, CA 94133
Tel: (415) 391-9476
Fax: (415) 391-9432
(Plaintiff's CO-Counsel)

☐ by transmitting via FACSIMILE the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately 3:00 pm, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 7, 2006 at East Palo Alto, California.


Andrea Beggs